IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 1547 OF 2007.

Vikram B.Jadhav and others. ... Petitioners.

Versus.

Sou.Anuradha Sunil Barve and others. ... Respondents.

Shri Prafulla B.Shah for the Petitioners.

CORAM : ABHAY S.OKA, J.

DATED : 19th April, 2007.

P.C.:

1. By the impugned order dated 18th January 2007 the application filed by the Petitioners (original Defendants) for framing additional issues has been partly allowed. The learned trial Judge has directed framing of certain additional issues and has declined to frame additional issues on non-joinder and mis-joinder of parties as well as valuation of the suit on the ground that there are no specific pleadings.

2. The order impugned is purely of interlocutory nature which is capable of being challenged in an appeal which may be preferred against the decree passed in the suit. In so far as the issue of valuation is concerned, notwithstanding the pleadings of the parties, if the trial Court finds that the suit is not properly valued, the trial Court can always pass appropriate order. Subject to what is stated above, the writ petition is rejected.

Judge.